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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,369	03/09/2004	Craig L. Schimmel	H0006457-1626	4469
128	7590	02/23/2005	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			RAHMJOO, MANUCHER	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/797,369

Applicant(s)

SCHIMMEL, CRAIG L.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/9/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 7 is objected to because of the following informalities:

The dependency of claim 7 is not included. To expedite prosecution of the application, examiner will assume claim 7 depends on claim 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 6, and 9- 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1 line 6 recites "...determining an existence of a contour line...". It is not clear if the determination of a contour line is independent of the first and second data points or it is based on said data points.

As per claim 1 line 7 recites "...to a next state...". It is not clear what the definition of the "a next state" is. Is it the steps following step "d" which is meant as a "a next state".

Claims 2- 6 and 9- 11 are indefinite because they depend on indefinite antecedent claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckwith, Jr. et al (US Patent 5,140,532), hereinafter, Beckwith.

As per claims 1, 7, 11, and 16- 17 and as to the broadest reasonable interpretation by examiner, Beckwith teaches a)selecting a first data point from the row and column data see for example column 12 lines 45- 50, b)comparing a second data point with the first state see for example column 17 lines 3- 15 for the comparing of the data points, c) determining an existence of a contour line see for example column 17 line 14 for the determination of existence of a contour line, d) updating a first state to a next state, if the contour line exists see for example column 17 lines 15- 21 for the generation of a signal to display the data point as part of the contour line and column 17 lines 38- 40 for the storing the next state in a memory, e) creating a portion of a contour line image, if the contour line exists see for example column 17 lines 15- 21 for the displaying of the data point as part of a contour line (portion of the entire contour line) upon determination of existence of the contour line, and a display see for example figure 3 block 75 for the display, f) proceeding to the next data point see for example

column 17 lines 15- 21 for proceeding to the next data point, g) repeating see for example figures 12- 13 and 19.

As per claim 2 Beckwith teaches proceeding in a predetermined direction see for example column 7 lines 1- 5 for the line segments in a single direction due east.

As per claim 3 Beckwith teaches proceeding in predetermined row and column directions see for example column 12 lines 45- 50 for the row and column data and figures 12- 13 for the predetermined direction with angle.

As per claim 4 Beckwith teaches selecting a contour interval see for example column 16 lines 35- 52 for the identification of contour intervals.

As per claims 5 and 18 Beckwith teaches anti- aliasing the contour line image see for example column 14 lines 10- 15 for line smoothing.

As per claim 6 Beckwith teaches determining if an elevation point row and column data exceeds a current row or column base elevation by a value greater than a contour interval see for example column 16 lines 35- 56 where relative elevation is described and wherein a contour edge line is generated at the **reference** elevation and at every elevation which is an integral interval **above or below the reference elevation** (exceeding of elevation).

As per claim 8 Beckwith teaches storing the row and column base elevation see for example column 7 line 22- 25 wherein elevation and linear features are included (determined) for navigation and column 17 lines 38- 40 for the storing of the elevation points.

As per claims 9- 10 and 14- 15 and in light of rejection of claim 1, Beckwith teaches drawing and displaying the portion of the contour line image see for example figure 19 block 507 for outputting (drawing) of contour and column 17 lines 15- 21 for the displaying (drawing) of the data point as part of a contour line upon determination of existence of the contour line.

As per claim 12 and in light of rejection of claims 1- 11, Beckwith teaches a) selecting an ordering sequence see for example column 6 lines 56- 67 for the linear features within cultural data which may be stored as a sequence of encoded line segments that is initiated by identifying (selecting) a starting point and the number of segments in the sequence, g) updating the row and column elevation values to a highest contour interval multiples less than an elevation data point see for example column 17 lines 40 wherein the preprocessed information consists of contour interval number, elevation difference to least-adjacent upper interval edge (highest contour interval multiples less than an elevation data point), elevation difference to least-adjacent lower interval edge, and shades of gray level for every elevational value which are then stored as contour table outputs for comparison and smoothing (updating values).

As per claim 13 Beckwith teaches selecting a contour elevation closest to but not exceeding the first elevation value in the row see for example column.16 lines 34- 51 wherein a contour edge line will be generated at the reference elevation and at every elevation which is an integral interval above or below the reference elevation (not exceeding the first elevation value).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6177943 6272448 6173067 6774932 6026345.

### **Inquiry**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305-5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

February 16, 2005



**Kee M. Tung**  
**Primary Examiner**